

09/560,371

MS147249.01 / MSFTP102US

REMARKS

Claims 8-25 are currently pending in the subject application and are presently under consideration. Claims 8, 15, 16, and 22 have been amended herein. A listing of claims can be found on pages 2-4.

Applicants' representative thanks the Examiner and his Supervisor for courtesies extended during the telephonic interview with James J. Pingor (Reg. No. 51,382) on August 11, 2005. It was indicated that amendment of independent claims 8, 16, and 22 to include the aspect of employing XML regarding the scheduling component and the binding component would overcome the current 35 U.S.C. §102(b) rejection with respect to claims 8-24.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 8-24 Under 35 U.S.C. §102(b)

Claims 8-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Template Software version 8.0, hereafter referred to as Template. It is requested that this rejection be withdrawn for at least the following reason. Template does not describe each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Applicants' claimed invention relates to employing a binding for interfacing a business workflow process executable program to a real world implementation (*See* pg. 2, ll. 29-30), where the separation of the business workflow processes and the binding of technological components allows a business workflow process to be implemented across a variety of different technologies. (*See* pg. 3, ll. 6-8). In particular, amended independent claim 8 (and similarly amended independent claims 16 and 22) recites a

09/560,371

MS147249.01 / MSFTP102US

scheduling component that employs *XML programming language*. . . and a binding component that employs *XML programming language*. XML provides numerous advantages for the claimed invention, including: allowing a user to specify dependency and independence between components, transaction, compensation, and checkpoint boundaries (*See* pg. 21, ll. 3-4), allowing a user to specify mechanisms for abstracting the workflow from the implementations of the components (*See* pg. 21, ll. 5-6), defining the abstract location where a message is to be sent and received (*See* pg. 22, ll. 3-5), allowing a user to specify the ordering of individual actions and whether those actions are performed sequentially or concurrently (*See* pg. 22, ll. 5-7), and describing elaborate ordering of actions. (*See* pg. 22, ll. 11-12). Template does not describe this aspect of the invention as claimed.

Template includes various instruction manuals on creating workflow systems using its software product. Although Template mentions the use of HTML (*See* "The Web Component," pg. 1-2), the cited reference fails to disclose a scheduling component that employs *XML programming language*. . . and a binding component that employs *XML programming language*.

In view of at least the foregoing, it is readily apparent that Template does not describe the invention as recited in independent claims 8, 16, and 22 (and associated dependent claims 9-15, 17-21, and 23-24). Accordingly, this rejection should be withdrawn.

II. Rejection of Claim 25 Under 35 U.S.C. §103(a)

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Template in view of "The XML Handbook," hereafter referred to as XML. Withdrawal of this rejection is requested for at least the following reason. XML teaches the use of XML syntax (*See* Cover), but neither Template nor XML provide any motivation for one of ordinary skill in the art at the time of invention to combine the two references. Simply because other programming languages exist, one of ordinary skill in the art at the time of invention would not have motivation to adapt one product using all languages. Therefore, just because XML provides for extensibility (*See* Office Action, pg. 9), it is not evident that sufficient motivation exists to employ its use for the invention's

09/560,371

MS147249.01 / MSFTP102US

workflow systems. This rejection should be withdrawn.

CONCLUSION

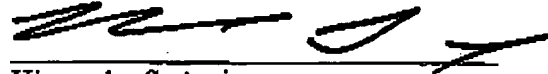
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP102US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731